

REMARKS:

REMARKS REGARDING CLAIM AMENDMENTS:

Claims 1 – 8 have been cancelled and claim 10 has been amended to overcome rejection under 35 U.S.C. §112, first paragraph. Support for the amendment exists in Figures 1 and 2 and in paragraph [0024] of the present application. Amendment of claim 18 corrects an error of dependency.

Claims 10 – 18 are pending in the present application.

IN RESPONSE TO THE OFFICE ACTION:

REJECTION UNDER 35 U.S.C. § 112:

The Office Action indicates rejection of claims 10 – 18 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement. Claim 10 has been amended to comply with other parts of the application including the Detailed Description, at paragraph [0024] and Figures 1 and 2. As the Office Action admits, Figure 1 of the drawings shows the structure of the laser weld to be continuous in length. Both Figure 1 and Figure 2 show that the weld is also continuous in cross section that has an essentially triangular shape. Recitation in claim 10 of the use of laser welding, “to produce a weld that is continuous in cross section and along a line of laser welding,” has support as indicated in the description and drawings.

Amended claim 10 is believed to be allowable. Claims 11 – 18 depend from claim 10 and should likewise be allowed. Request is respectfully made for reconsideration and withdrawal of the rejection of claims 10 - 18, under 35 U.S.C. §112, first paragraph.

REJECTION UNDER 35 U.S.C. § 102:

Rejection of claims 1 – 8 and 10 – 18 under 35 U.S.C. §102(b) is indicated in the Office Action due to the alleged anticipation by Havard et al. (US 5,483,034).

Claims 1 – 8 have been cancelled and claim 10 has been amended to place it in condition for allowance. Remaining claims 11 – 18 depend from claim 10 and should be allowed upon allowance of claim 10.

Applicant acknowledges that making the current Office Action final restricts response to amending claims or cancelling claims. For this reason comment will be confined to the amendment of claim 10 that provides differentiation from Havard et al. In particular, claim 10, as amended has limitation to “a weld that is continuous in cross section and along a line of laser welding.” This limitation is not taught by Havard et al. as will be reasoned below using evidence from the reference. Conjecture as to whether laser welding used in the present invention is from a single pass or multiple passes is not pertinent to the amendment.

Amendment of claim 10 introduces “a weld that is continuous.” Support for a continuous weld is shown in Figure 1 and Figure 2 and reference to it is found in paragraph [0024] of the

present application. Havard et al. refers to a continuous welding process that produces an uninterrupted weld (See col. 4, lines 2 – 10).

As amended claim 10 recites that the weld is “continuous in cross section.” Evidence for this is found in Figure 1 and Figure 2 of the instant application as filed. The figures show the weld to have a triangular cross section that is uniform and continuous in appearance. This requirement provides differentiation of the present invention from the teaching of Havard et al., which in Figure 2 shows a weld in cross section that is not continuous. As illustrated, the weld of Figure 2 of Havard et al. has three regions including an upper triangular portion bordering two distinguishable lower lobes (2c) that were separately formed by welding at two different angles (8a and 8b) along a common weld line. The weld of Havard et al. does not meet the requirement that it is continuous both in cross section and along a line of laser welding.

Having cancelled claims 1 – 8 and amended claim 10 for allowance, applicant believes that the present application is in condition for allowance. Therefore, request is made for reconsideration and withdrawal of the rejection of claim 10. Claims 11 – 18 depend from claim 10 and should likewise be allowed.

Applicant has made an earnest attempt to respond to all the points included in the Office Action and, in view of the above, submits that the application in condition for allowance. Consequently, request is respectfully made for reconsideration of the application and notification of allowance of claims 10 - 18 in the next paper from the Office.

The undersigned representative requests any extension of time that may be deemed necessary to further the prosecution of this application.

The undersigned representative authorizes the Commissioner to charge any additional fees under 37 C.F.R. 1.16 or 1.17 that may be required, or credit any overpayment, to Deposit Account No. 14-1437, referencing Attorney Docket No.: 7589.155.PCUS00.

In order to facilitate the resolution of any issues or questions presented by this paper, the Examiner may directly contact the undersigned by phone to further the discussion.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Tracy W. Druce".

Tracy W. Druce, Esq.
Reg. No. 35,493
Novak, Druce & Quigg, LLP
1000 Louisiana, Suite 5300
Houston, Texas 77002
(713) 571-3400
(713) 456-2836 (fax)
tracy.druce@novakdruce.com